

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD  
MINUTES OF MEETING HELD MARCH 17, 2004  
SIERRA VISTA, AZ**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on March 17, 2004, at the Windemere Hotel, located at 2047 S. Highway 92, Sierra Vista, AZ.

**Members Present:**

- Chairman Jim Garcia
- Sergeant Gary Eisenga
- Chief Jerry Sheridan
- Dr. Michael Polakowski
- Director Dennis Garrett
- Chief Joe Vernier
- Deputy Director Gary Phelps, representing Director Dora Schriro
- Deputy Tamatha Villar
- Sheriff Gary Butler
- Ms. Laura Reckart, representing Attorney General Terry Goddard

**Members Absent:**

- Ms. Lisa Flores
- Sheriff Clarence Dupnik

**Staff in Attendance:**

- Tom Hammarstrom
- Lyle Mann
- Lynn Larson
- Steve Jacobs
- Ted Brandon
- Curt Milam
- Rosalee Fitch
- Lois Sherlock

**Counsel for Board in Attendance:**

- Diana Stabler, Asst. A.G.

**Guest Roster:**

- Anthony Daykin, U of A Police Department
- Collier Hill, Pima College Police Department
- Rick Brzuchalski, Chandler Police Department
- John Armer, Gila County Sheriff
- Michelle Begay, Tohono O'odham Police Department
- Joseph Delgado, Tohono O'odham Police Department
- Richard Vidaurri, Marana Police Department

Mike Erfert, Yuma Police Department  
John L. Pickens, ASU Police Department  
Ken Kimmel, Sierra Vista Police Department  
Tim Mosby, Kingman Police Department  
Terry Hollis, Somerton Police Department  
Dean Brice, Kingman Police Department  
Robby Robinson, Yuma Police Department  
David Santor, Sierra Vista Police Department  
Bill Richards, Tucson Police Department  
Terry Parish, SALETC  
Tracy Nielsen, Pascua Police Department  
Rod Covey, AZ DPS  
Keith Barth, Patagonia Marshal  
Jan Madeya, ACIP

A. CALL TO ORDER

Chairman Garcia called the meeting to order at 1:30 p.m.

B. INTRODUCTIONS

No introductions were made.

C. CONSENT AGENDA

Approved unanimously, motion made by Director Garrett, seconded by Chief Vernier.

1. Minutes of the Regular Board meeting held on January 21, 2004, were approved as written.
2. Minutes of the Charging Board meeting held on January 21, 2004, were approved as written.
3. Minutes of the Charging Board meeting held on February 18, 2004, were approved as written.
4. The next scheduled Regular Board meeting is Wednesday, May 19, 2004, at 1:30 p.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.
5. Ministerial Actions:
  - a. Certification Waivers: The following individual(s) have met the requirements set forth in AZ POST Rule R13-4-110 and have successfully completed the testing process and verification by AZ POST staff. Therefore, upon Board direction, certified peace officer status has been granted to:

James A. Griffith  
Michael J. Horn

Show Low Police Department  
Paradise Valley Police Dept.

Scott M. McFaul	Apache Junction Police Dept.
Alexander L. McKenna	Marana Police Department
Robert A. Santos	Marana Police Department

- b. Instructor Certification Renewals: LIST ATTACHED TO MINUTES.
  - c. Training Program Confirmations: Agency requests were reviewed by staff and found to comply with Board guidelines. Programs were confirmed as requested. LIST ATTACHED TO MINUTES.
6. Decertification Case Status Report Update: As of February 25, 2004, the Compliance and Standards Unit has a case load of 103 active cases in various stages of the process. Four cases are ready for initial presentation; 21 cases need further investigation; 27 cases are pending service of or response to, a Notice of Complaint or Decision; 4 cases are pending hearing; 6 cases are ready to present for final action; and 41 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
7. Income and Expense Statement – January 2004
- |                              |                 |
|------------------------------|-----------------|
| Funds as of January 1, 2004  | \$ 1,110,907.24 |
| CJEF Revenue                 | 452,781.95      |
| Expenditures/Encumbrances    | (370,913.44)    |
| Balance for January 30, 2004 | \$ 1,192,775.75 |

#### D. REGULAR AGENDA

1. Budget Adjustment, FLETC Distributed Learning Program. As part of its Fiscal 2003/2004 budget, the Board approved an \$80,000.00 expenditure to conduct a pilot program to determine the feasibility of computer-based training for Arizona peace officers. A polling of agencies to determine the level of interest indicated that many more departments would like to participate than can be funded through the original allocation. Executive Director Hammarstrom requested the Board approve a budget adjustment, adding \$50,000.00 to this project. This amount will fund enrollment costs for up to 850 officers, who will have unlimited access to all FLETC courses for a one year period.

Chief Sheridan made a motion that the budget for the FLETC pilot project be increased to \$130,000.00, seconded by Deputy Villar, motion carried unanimously.

2. Claim for Reimbursement – Eloy Police Department. Rule R-13-4-117.C. states that when an approved training program has been completed, qualified agencies participating may submit a claim for reimbursement within sixty days after completion of the training. The Eloy Police Department made a request to waive the time limit and be reimbursed \$1,540.00 for a September 2003 Managing Police Discipline class.

Dr. Polakowski made a motion to waive the time limit of Rule 13-4-117.C. and reimburse the Eloy Police Department in the amount of \$1,540.00, seconded by Chief Vernier, motion carried unanimously.

3. Claim for Reimbursement – Phoenix Police Department. The Phoenix Police Department also made a request to waive the sixty day time limit, and requested reimbursement of \$170.00 for an August 2003 Advanced Taser class.

Sheriff Butler made a motion to waive the time limit of Rule 13-4-117.C. and reimburse the Phoenix Police Department in the amount of \$170.00, seconded by Deputy Villar, motion carried unanimously.

4. Permanency of Revocations. This agenda item was tabled until the May 19<sup>th</sup> Regular Board meeting.
5. Driver Training Simulators. During its October 2003 planning meeting, the Board directed staff to pursue the acquisition of Driver Training Simulators, to be provided to Arizona law enforcement agencies via grants. The Department of Public Safety has issued an RFP, and created a state contract for the purchase of driving simulators; General Electric was the successful bidder. POST may now contract with agencies, and provide grants for the purchase of driving simulators from the state contract.

Staff has negotiated an agreement with DPS for the purchase of a three-station driver training simulator to be located in Phoenix, for the use of DPS and the Arizona law enforcement community. The Board will provide funding for two stations, and State Risk Management will provide funding for the third station. The IGA with DPS will specify conditions for non-DPS law enforcement utilization and availability.

Chief Vernier made a motion that staff enter into an agreement with the Arizona Department of Public Safety to provide grant funding for the purchase of two driver training simulators, seconded by Deputy Villar, motion carried unanimously.

#### E. LEGISLATIVE UPDATE

Lyle Mann reported that the Legislature's attempts to mandate training in dealing with the mentally ill, as well as domestic violence, and sexual assault is still on-going. Eric Edwards, Jim Sawyer, the chiefs and sheriffs and POST staff are continuing to oppose that particular bill. Last year we made significant commitments to them to create the basic training course and create an in-service training course along with video tapes, etc.

At the Board's direction, POST staff, along with the chiefs and sheriffs, have taken the position that it is in the best interest of law enforcement to have the agency heads decide what topical areas are best suited for their agencies, and leave it at the 8 hours for any part of the basic course.

All of the other bills that impacted POST have been successfully defeated and/or never heard. The agencies are still concerned about a bill requiring an appeal process of discipline. Eric Edwards will brief the chiefs on Friday, March 19<sup>th</sup>. There are some issues concerning this bill, but it will probably be passed by the Legislature. It came out of the Senate 26-0 with the belief that officers have certain rights about representation and appeals of discipline over and above what any other employee has. Also, it appears that the increase in salaries for sheriffs and other elected officials is moving forward.

#### F. SUMMARY OF CURRENT EVENTS

Executive Director Tom Hammarstrom announced that Bob Forry, who has been a representative for DOC on the Board, has been selected for the POST Program Administrator position. This position will supervise the Standards and Compliance Section. Also, Chief Harold Hurtt has resigned his position on the Board, and has accepted the Chief of Police position in Houston, Texas. This will leave a vacancy on the Board.

#### G. REPORTS

##### 1. Basic Training

Lynn Larson provided the Board with an analysis of the Comprehensive Final Exam. Results of the test have shown the class averages are improving and failure rates are dropping.

Executive Director Hammarstrom commended Lynn Larson for his efforts in managing this test. Director Hammarstrom reported that this process and the potential for the Comprehensive Exam as a rule requirement have focused all of the academies on training to the performance objectives. The improvement is not due to a change in behavior on the part of the cadets, but in a change of behavior on the part of the academies. The academies have adopted model lesson plans, and have done an excellent job in training to those lesson plans and to the performance objectives. The improvement will continue as they become more accustomed to this process, and have more experience with the Comprehensive Exam.

SALETC – Commander Bill Richards reported that SALETC started with 45 recruits on February 16, 2004, with 38 recruits currently holding strong. They have approximately 40 reservations for their next class.

##### 2. Police Corps

Lyle Mann reported that Police Corps currently has six cadets that are in the process for selection. If they are accepted, they will be sent to Utah for training this summer. Police Corps was again funded at a modest rate for this coming year; however, they are concerned about the continuation of their funding.

3. Department of Corrections

Deputy Director Phelps reported that DOC's training curriculum, both in-service and basic, is under review. This will be an item before the Board in the future.

4. Arizona Regional Community Policing Institute

Executive Director Hammarstrom reported that AZRCPI has presented nine eight-hour anti-terrorism classes so far this year, training 465 people. Since August, they have trained over 1600 people in this excellent program. AZRCPI has also put together a two-hour anti-terrorism class for the community, talking about the history of terrorism and the various terrorist groups, as well as ways the community can help fight terrorism. They have presented two of these classes to 85 people. In addition to the terrorism classes, they have also presented nine domestic violence classes and five ethics classes around the state.

Director Hammarstrom commended Director Kush and his staff for their cooperation in helping Lyle Mann put together the first half of a four-hour telecourse on anti-terrorism. This telecourse was very well attended. Director Hammarstrom also took this opportunity to thank Lyle Mann for the excellent job he has done in taking over the task from Ed Routh of editing and putting together the telecourses. Rosalee Fitch has been instrumental in assisting Lyle Mann in this endeavor.

Lyle Mann took this opportunity to brief the Board on what was discussed at the Rules Advisory Group meeting held earlier in the day. Lyle Mann reported that the issue of steroids and steroid use has been brought before the Group on three different occasions and has been discussed at length. It was the consensus of the Group that steroids, while they are different, can best be addressed through the petition process that is currently in POST rule. This issue has been removed from future discussion.

In the issue of open enrollment cadets, the Board's enabling statute was changed to allow individuals who were not yet appointed by an agency to attend an academy, but only if they met minimum qualifications. The current rules outline certain responsibilities and authorities for agencies and agency heads but refer to them in terms of "appointment." There were suggested changes that would have given the head of an academy the same authority as an agency head. It was determined that was not of interest to the Group, and the issue has been removed from future discussion.

The two most significant issues the Group did move forward on were the concept of juvenile indiscretion and the Comprehensive Exam as a graduation standard. Agencies would be able to petition the Board for a finding of juvenile indiscretion. The Group asked staff to send out a survey to agency heads for their input. This issue will be on the agenda in July. They have also developed a more definitive view of what the

Comprehensive Final Exam as a graduation standard should be for the rule. This will also be on the agenda in July.

G. CASES: Consideration and possible action on the certified status of peace officers.

Case #1 – Tomas A. Bennett – Yuma Police Department – Chief Vernier made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #2 – Michael A. Favela – Salt River Tribal Police Department – Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Villar, motion carried unanimously.

Case #3 – David M. Motroni – Eloy Police Department – The Board considered comments by Asst. A.G. Diana Stabler. Deputy Villar recused herself from participation and voting on this matter. Chief Sheridan made a motion to dismiss this case without prejudice, seconded by Director Garrett, motion carried.

Case #4 – Cesar G. Ramirez – AZ Department of Transportation, MVD – Sheriff Butler made a motion to adopt the Consent Agreement, Order and Decision (voluntary relinquishment of peace officer certification), seconded by Ms. Reckart, motion carried unanimously.

Case #5 – Ronald L. Slater, Jr., - Yuma Police Department – Sheriff Butler made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #6 – Tad G. Wygal – AZ Department of Public Safety – Director Garrett recused himself from participation and voting on this matter. Chief Vernier made a motion to adopt the Consent Agreement, Order and Decision (suspension, beginning June 17, 2003, and ending on September 26, 2003), seconded by Deputy Villar, motion carried.

I. CALL TO THE PUBLIC

None received.

J. ADJOURN

Chairman Garcia adjourned the meeting at 2:25 p.m.

Dated March 23, 2004

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Lois Sherlock, Recording Secretary